

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

HOUSTON DIVISION

UNITED STATES OF AMERICA	§	
	§	CRIMINAL NO. H-18-CR-115-S3
v.	§	
	§	
RODOLFO “RUDY” DELGADO	§	

**GOVERNMENT'S RESPONSE TO DEFENDANT'S
MOTION TO EXTEND REPORT DATE TO BOP**

TO THE HONORABLE JUDGE ALFRED H. BENNETT:

The United States of America, by and through undersigned counsel, respectfully requests the Court deny the defendant's motion to extend his November 19, 2019, date to report to the Bureau of Prisons (BOP) to begin serving his adjudged sentence in his case, as there is no legal or logical basis to support granting this motion.

The defendant has been designated to begin serving his sentence in the Federal Medical Center - Fort Worth BOP facility located in Fort Worth, Texas and must report there to do so by November 19, 2019. In his motion, the defendant requests an extension of 60 days to report to this facility, up to and including January 18, 2020. The defendant claims he needs this additional time to continue to attempt to sell his home and to assist his lawyer in reviewing trial transcripts for appeal. The United States does not believe these reasons justify the granting of the defendant's motion.

First, the defendant has had ample time to attempt to sell his house since he was arrested in this case in February 2018, should he choose to do so. His presence is not needed to sell his property – any documents he may need to sign to finalize this transaction can be sent to him for signature or he can give power of attorney to his wife or another person to act on his behalf for

any potential sale.

The defendant also does not need to be on bond to assist his attorney in reviewing trial transcripts for appeal. The defendant will be allowed to review these transcripts in BOP, and to do so with his attorney should his attorney travel from San Antonio, Texas to Fort Worth to meet with him. BOP will also allow the defendant to contact his attorney via telephone and/or email to discuss the transcripts and other legal issues should he need to do so.

The United States believes allowing the defendant, a former elected state district judge who was convicted of using his office to commit a variety of federal bribery and corruption offenses for approximately a decade, to delay his reporting date to BOP is not warranted and would send the wrong message to the defendant and the community. The defendant has never accepted responsibility for his crimes, and to allow him to remain on bond over the holidays and into 2020 would allow him to continue to avoid taking such responsibility and give him a benefit which most other federal defendants facing serving 60 months in prison do not receive. For these reasons, the United States respectfully requests the Court deny the defendant's motion.

Respectfully submitted this 30th day of October, 2019.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on October 30, 2019, a copy of the foregoing pleading was filed electronically with the Clerk of the Court using the CM/ECF system, and an electronic copy was sent to the attorney of record for the defendant.

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